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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,450	08/31/2001	Stephan Brunner	05306.P036	3552
7590	12/15/2005		EXAMINER DUNHAM, JASON B	
Andre M. Gibbs Blakely, Sokoloff, Taylor & Zafman LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025-1030			ART UNIT 3625	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/945,450	BRUNNER ET AL.	
	Examiner	Art Unit	
	Jason B. Dunham	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-117 is/are pending in the application.
- 4a) Of the above claim(s) 1-94 and 105-112 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 95-104 and 113-117 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>12/05/05</u> . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-10, 19-23, 24-33, 42-46, 47-69, 74-78, 81, and 83-94, drawn to systems and a method for generating a set of configured applications for a device, classified in class 717, subclass 121.
 - II. Claims 11-18, 34-41, 7-73, 79-80, 82, and 105-122, drawn to a user interface and method for making said interface, classified in class 715, subclass 500.
 - III. Claims 95-104 and 113-117, drawn to an apparatus using logic blocks to create and assign customizable products into product classes, classified in class 705, subclass 26.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as generating a user interface that is not required for invention I, which generates a product configurator. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group 1 is not required for Group 2, restriction for examination purposes as indicated is proper.

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3. Inventions I and III are related as subcombinations discloses as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as using logic blocks to customize a product, which is not required for invention I, which generates the configurator. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group 1 is not required for Group 3, restriction for examination purposes as indicated is proper.

4. Inventions II and III are related as subcombinations discloses as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as using logic blocks to customize a product, which is not required for invention II, which is for generating a user interface. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group 2 is not required for Group 3, restriction for examination purposes as indicated is proper.

5. The examiner notes that claims 96-117 are incorrectly cited as being dependent upon claim 1, rather than claim 95.

6. Applicant's telephonic election of Group III on December 5th, 2005 is noted and supercedes applicant's previous election filed August 8th, 2005.

7. Claims 1-94 and 105-112 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected groups, there being no allowable

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generic or linking claim. Election was made without traverse in the telephonic election on December 5th, 2005.

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because of uneven shading in figure 2 and hand-drawn numbering.

Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 100 recites the limitation "the apparatus wherein the cardinality attribute " in claim 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 101 recites the limitation " the apparatus wherein the cardinality attribute " in claim 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 95-98, 104, and 114-117 are rejected under 35 U.S.C. 102(b) as being anticipated by Klencke (U.S. Patent No. 5,867,709).

Referring to claim 95. Klencke discloses an apparatus composed of logic blocks to customize a product comprising:

- A logic block to create a customizable product, the customizable product including a set of one or more attributes to define the customizable product (Klencke: abstract); The examiner notes that Klencke discloses the creation of a customizable product that follows a set of functions designed to facilitate the process of customizing the product.
- A logic block to assign the customizable product to a customizable product class, the customizable product class is a parent class of a hierarchy defining the configurator (Klencke: abstract);
- A logic block to add a component product class to the customizable product class, the component product class is a subclass of the customizable product (Klencke: column 4, lines 55 – column 5, line 2);
- A logic block to add a customizable class rule to the customizable product class, the customizable class rule including expressions which provide conditions on component products added to the customizable product (Klencke: column 1:

lines 29-63). The examiner notes that Klencke discloses functions within the standard class that provide conditions on the choices available within the parent class.

- A logic block to map a customizable user interface to the customizable product class, the customizable user interface to provide access structure to the configurator (Klencke: column 1: lines 11 – 26).

Referring to claim 96. Klencke further discloses an apparatus wherein the component product class includes component product subclasses (Klencke: column 4, lines 55 – column 5, line 2).

Referring to claim 97. Klencke further discloses an apparatus wherein the component product class inherits the attributes of the customizable product class (Klencke: abstract).

Referring to claim 98. Klencke further discloses an apparatus comprising a logic block to add one or more component product classes to a port (Klencke: figure 3 & column 5, lines 64 – column 6, lines 24); and a logic block to add the port to the customizable product class, the port to allow the configurator to classify a group of component products (Klencke: figure 3 & column 5, lines 64 – column 6, lines 24). The examiner notes that applicant defines a port as a component product and Klencke discloses classes containing product customizations.

Referring to claim 104. Klencke further discloses an apparatus wherein the class rule is a subclass of the customizable product class (Klencke: column 4, lines 55 – column 5, line 2).

Referring to claim 114. Klencke further discloses an apparatus wherein the component product class, customizable class rules, and user interface class are object-oriented classes (Klencke: abstract).

Referring to claim 115. Klencke further discloses an apparatus wherein the customizable product comprises an object-oriented structure (Klencke: abstract).

Referring to claim 116. Klencke further discloses an apparatus wherein the customizable product includes versioning (Klencke: column 3, lines 3-36).

Referring to claim 117. Klencke further discloses an apparatus wherein the configurator is stored in a data store (Klencke: figure 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 99-103 and 113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klencke (U.S. Patent No. 5,867,709) in view of Iborra (U.S. Patent Application Publication No. 2002/0062475).

Referring to claims 99-101. Klencke discloses all of the above as noted under the 102(b) rejection, but does not expressly disclose a cardinality attribute to constrain the number of component products to be added to the configurator. Iborra discloses an apparatus including a default, minimum, and maximum cardinality to constrain the

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number of component products to be added to the configurator (Iborra: paragraph 104).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the apparatus of Klencke to have included a cardinality attribute to constrain the number of component products to be added to the configurator, as taught by Iborra, to limit the amount of configurations available (Iborra: paragraph 104).

Referring to claims 102-103. Klencke discloses all of the above as noted under the 102(b) rejection, but does not expressly disclose an apparatus wherein the class rules include a collection of expressions including a property path, constant, operator, or a natural language syntax. Iborra discloses an apparatus wherein the class rules include a collection of expressions including a property path, constant, operator, and a natural language syntax (Iborra: paragraphs 59 & 94, figure 11A). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the apparatus of Klencke to have included class rules that include a collection of expressions including a property path, constant, operator, and a natural language syntax, as taught by Iborra, in order to define the attributes of the class (Iborra: paragraph 59).

Referring to claims 113. Klencke discloses all of the above as noted under the 102(b) rejection, but does not expressly disclose an apparatus wherein the component product class includes a static attribute not associated with a parent class. Iborra discloses an apparatus wherein the component product class includes a static attribute not associated with a parent class (Iborra: paragraph 94). It would have been obvious

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to one of ordinary skill in the art at the time of applicant's invention to have modified the apparatus of Klencke to have included a component product class that includes a static attribute not associated with a parent class, as taught by Iborra, in order to define the attributes of the class (Iborra: paragraph 59).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Khosrowpour (U.S. Patent No. 6,721,817) discloses an apparatus for configuring hardware.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason B. Dunham whose telephone number is 571-272-8109. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JBD

Patent Examiner

12/07/05


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